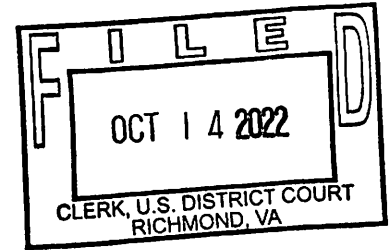


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



JUSTIN CORNELL, No. 1738299,
Petitioner,

v.

Civil Action No.: 3:21cv593

DIRECTOR,
DEPARTMENT OF CORRECTIONS,
Respondent.

PETITIONER'S RESPONSE TO RESPONDENT'S CORRECTED RULE 5

ANSWER AND MOTION TO DISMISS

PETITIONER'S RESPONSE TO RESPONDENT'S CORRECTED BRIEF

IN SUPPORT OF RULE 5 ANSWER AND MOTION TO DISMISS

WITHOUT PREJUDICE

The Petitioner, Justin Cornell, pro se, supports the Respondent's motion to dismiss without prejudice Mr. Cornell's petition for writ of habeas corpus.

1. Mr. Cornell will refile, if needed, after exhaustion in the state courts.

2. Mr. Cornell's intention was never to subvert the comity interest of the state, nor to disrespect the Republic. In an attempt to achieve justice in the most expedient manner, Mr. Cornell filed in this Court hoping the Virginia Supreme Court would act swiftly. Further, Mr. Cornell wanted to ensure he timely filed.

3. Each and every allegation not expressly admitted should be taken as denied. Specifically, Mr. Cornell did not enter a guilty plea. He has always maintained his absolute innocence from arrest, through trial, appeal, and

in all post-conviction actions. (Resp's Corrected Br. ¶1.)

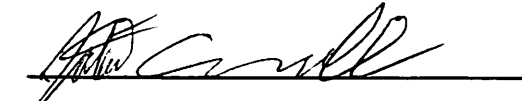
4. Mr. Cornell is not requesting an evidentiary hearing at this time.

5. Mr. Cornell is not moving for an additional stay and abeyance in order that this Court docket is clear of this inactive case until the state courts make their rulings.

CONCLUSION

WHEREFORE, the petitioner does not oppose the respondent's motion to dismiss without prejudice the petition for writ of habeas corpus.

Respectfully submitted,


Justin Cornell
Petitioner pro se

OFFICE OF THE ATTORNEY GENERAL
CRIMINAL APPEALS SECTION (KJM/307)
202 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219



Dear Judge,
Please note that Petitioner did not receive the Respondent's filing until October 3, 2022, twelve days elapsed between the electronic filing and Petitioner's receipt.

RECEIVED

SEP 26 2022

J.K. Cornell
Petitioner
Pro se

LEGAL MAIL
Open in the presence
of the offender.

33-170

RECEIVED

SEP 28 2022

Distributed
10-3-2022

~~Dr. 000~~ Lawrenceville

VADOL Centralized Mail Distribution Center

Justin Keith Cornell, #1738299

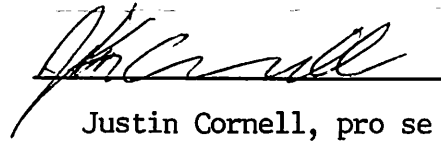
3521 Woods Way

State Farm, VA 23160

CERTIFICATE OF SERVICE

I, Justin Cornell, pro se, certify that a true and exact copy of the foregoing Response to Respondent's Motion to Dismiss W/O Prejudice was sent to the named respondent(s) on the 12 day of October, 2022, by way of first class U.S.P.S., to wit:

Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219


Justin Cornell, pro se

STATE OF VIRGINIA:

County of Brunswick, to-wit:

Subscribed and sworn to before me this 12 day of October, 2022
My commission expires: 08-31-2026


Notary Public Signature

8005029
Registration No.

Seal:

